

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES TINO WHITE,

Defendant.

CR 20-88-GF-BMM

**ORDER**

The Defendant, James Tino White (White) was indicted on December 2, 2020. (Doc. 1.) An arraignment was held on February 25, 2021. (Doc. 10.) White filed an Unopposed Motion for a Status Conference on April 12, 2021. (Doc. 23.) The undersigned conducted a status conference on April 15, 2021. (Doc. 25.) At the status conference, the Court determined that White may be suffering from a mental disease or defect that should be evaluated to determine his mental capacity at the time of the offense and his current ability to assist in the instant case. 18 U.S.C. § 4241(d).

Accordingly, IT IS ORDERED:

Defendant, James Tino White, be subjected to a psychiatric or psychological examination, to be conducted, pursuant to 18 U.S.C. § 4241(b) and §§ 4247(b) and (c), by a licensed or certified psychiatrist or psychologist;

IT IS FURTHER ORDERED that White, be committed to a facility designated by the Attorney General to be examined for a reasonable period, but not to exceed thirty (30) days;

IT IS FURTHER ORDERED that a psychiatric or psychological report be prepared and that said report shall include:

- (1) Defendant's history and present symptoms;
- (2) a description of the psychiatric, psychological, and medical tests that were employed and their results;
- (3) the examiner's findings; and
- (4) the examiner's opinions as to diagnosis, prognosis, and whether James Tino White is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

IT IS FURTHER ORDERED that the report shall be filed with the Court, with copies to Counsel for White and the attorney for the Government. Upon receipt of said report and the return of the Defendant to this district, the Court shall hold a hearing pursuant to 18 U.S.C. § 4241(c); and

The final pretrial conference and jury trial in this matter are VACATED. The Court finds that all time between the date of this order and the post-examination

hearing to be excludable time under the Speedy Trial Act. Title 18 U.S.C. §3161(h)(1)(A).

The United States Marshals Service is directed to request that the Bureau of Prisons designate the federal facility where White will be evaluated.

The United States Marshals Service shall notify the Court when it receives notice of the facility that has been designated and an entry will be made on the docket in this case.

The United States Marshals Service shall transfer White to the designated facility, and shall transfer White back to the District of Montana upon completion of the evaluation.

DATED this 15th day of April, 2021.



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Brian Morris, Chief District Judge  
United States District Court